Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

In the Matter of		
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	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	FCC 08-173

Spectrum Communications, Inc., Comments to the Federal Communications Commission; Notice of Proposed Rulemaking (FCC 08-173)

1. INTRODUCTION

On July 31, 2008, the Federal Communications Commission ("FCC") released a Notice of Proposed Rulemaking ("NPRM") that seeks comment on the Eligible Services List ("ESL") for the Universal Service Fund program known as E-Rate, beginning in Funding Year 2009.

Specifically, the NPRM seeks comment regarding the inclusion on the ESL of a variety of additional products and services, as well as the retention of interconnected Voice over Internet Protocol ("VoIP") for future funding years.

Perhaps most importantly, the NPRM seeks comment on "which [E-Rate] rules, if any, would need to be amended to effectuate any changes made as a result of this NPRM".

Many of the additions, changes and modifications effectuated by the amended NPRM would require rule changes to the current program rules of the E-Rate program.

Our primary concern is as stated in the NPRM itself; *"For instance, sections 54.502 and 54.503 describe services that can be provided by telecommunications carriers while section 54.517 describes what services can be provided by non-telecommunications carriers. Should we reorganize or restructure the rules relating to the eligible services and the ESL to better inform applicants of which services are supported?"*[1]

[1] FCC 08-173, NPRM, para 7.

We have addressed this issue of Priority 1 and Priority 2 funded services in our comments contained here. Most importantly is the FCC longstanding position on competitive services. It must be noted that any change of the rules that limit or eliminate the ability for competition is anti-competitive and must be avoided. For example; any change in the rules that move currently funded Priority 2 services to Priority 1, would result in limiting service providers and handicapping competition, to the detriment of the service provider, applicant, and the E-Rate program itself.

Spectrum Communications is thankful to respond to the FCC's request for comments. We thank the FCC and the Universal Service Administrative Company ("USAC") for the on-going support of the E-Rate program. This program is truly making a difference in the lives of administrators, teachers, and children.

2. DISCUSSION

A. Interconnected VoIP Service

The NPRM adequately defines Interconnected VoIP services, however, it should be stated that VoIP services commonly utilize the Internet as a medium of transport, unlike "static" common carrier lines. This means that unlike voice services that originate from the telephone company's lines which are often directly connected to the local telephone company's central office ("CO"), VoIP services are most commonly connected via the Internet. This allows the VoIP user to bypass public switched networks.

Spectrum Communications supports the inclusion of VoIP services within the E-Rate program. There are, however, some issues that ought to be addressed, as there may be current E-Rate rules may be affected by the inclusion of VoIP services.

The first issue is **the exclusion of certain service providers (e.g. non-ETC's), who are able to provide VoIP services, does not conform to the FCC's longstanding support of competition within the telecommunications industry**.

While VoIP components are E-Rate eligible for Priority 2, Internal Connections, VoIP *services* are currently only funded as

Priority 1 services.[2] Priority 1 services can only be provided by Eligible Telecommunications Carriers ("ETC's")[3]. This means that only ETC's are able to bid and provide these services to E-Rate applicants.[4]

Unlike basic telephone services, which are commonly regulated by the FCC and State Public Utilities Commissions, VoIP services are not regulated services and consequently are not confined to a geographical service provider. Therefore, a host of non-ETC service providers are able to provide the same VoIP services as the eligible telephone carriers.

Moreover, VoIP components are currently eligible as Internal Connections components, which are often funded as Priority 2 services. A great majority of Internal Connections components funded in Priority 2 are supplied by non-ETC's. According to the NPRM, *"... interconnected VoIP components are eligible under the E-rate program as Internal Connections components.."*

For these reasons, **Spectrum Communications supports the inclusion of VoIP services. We believe, however, that non-ETC service providers should be allowed to provide these services**. This would promote competition and result in savings to both the USF program and the applicants.

The FCC must provide guidelines to USAC on how to provide funding to non-ETC service providers under Priority 1 services funding. As it stands, only ETC's are able to invoice and receive payment for any Priority 1 funded services. The alternative is simply to allow VoIP services to be funded in both Priority 1 and Priority 2 services.

The second issue relates to future funding of VoIP services. As explained above VoIP services commonly use the Internet as a medium of transport. Recently, the FCC addressed the issue of traffic and packet controls by certain Internet providers.[5] Spectrum Communications agrees with the position of the FCC and its decision

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[2] 47 C.F.R. 54.507(g)(1)(i); Priority 1 services are telecommunications services, voicemail, and Internet access and "shall receive first priority for available funding."

[3] 47 C.F.R. 54.201(d); 'Definition of Eligible Telecommunications Carriers'. *See also,* 47 U.S.C 153(46) and (47). "All telecommunications carriers are required under FCC rules to be common carriers and to file FCC Form 499A". *See also,* 47 C.F.R. 54.502 and 54.503; description of services that can be provided by telecommunications carriers.

[4] 47 C.F.R. 54.517(a); 'Services provided by non-Telecommunications Carriers'

[5] Formal Complaint of Free Press and Public Knowledge Against Comcast Corporation for Secretly Degrading Peer-to-Peer Applications; Broadband Industry Practices; Memorandum Opinion and Order FCC 08-183, WC Docket No. 07-52.

in that matter. However, if Congress or the Courts should change the FCC decision and allow Broadband carriers to either degrade performance or charge for additional traffic, E-Rate applicants who have installed VoIP systems may find themselves at a serious disadvantage, and the savings gained from VoIP services could be eliminated.

B. Filtering Software

The NPRM seeks comment on whether stand-alone filtering software should be funded under the E-Rate program. However, **the NPRM does not provide enough information to properly address the issue of filtering software**.

From the inception of E-Rate, FCC rules regarding the funding of software, have been highly restrictive under the ESL, and can only be implemented on a server-based system. Currently, only 2 types of software are listed on the ESL as eligible for E-Rate funding, they are; server-based "Operating system software", and "E-mail" software.[6]

E-Rate applicants are required to meet certain content filtering as mandated by the Children's Internet Protection Act ("CIPA")[7] in order to receive E-Rate funding. Subsequently, the Commission has sought comment as to whether Filtering Software should be funded and paid for with E-Rate money. It is difficult to determine whether Congress' intended to allow funding via E-Rate for applicants in order to comply with the CIPA. Legislative Council ought to provide an opinion on this matter of funding.

The NPRM does not provide enough information to properly address the issue of filtering software because it only asks the question "should stand-alone filtering software be funded under E-Rate program?"

a. Is "stand-alone" to mean a dedicated server to host the filtering software? Most filtering software consists of an application that is loaded on each local machine. This type of filtering is not well suited for the education community for many reasons. If the filtering application is loaded locally (on each computer in the classroom), then:

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[6] Universal Service and Administrative Company, Eligible Services List Schools and Libraries Support Mechanism for Funding Year 2008.

[7] Congress included CIPA as part of the Consolidated Appropriations Act, 2001. Pub. L. No. 106-554; See also, FCC 03-180, CC Docket 96-45.

- it can often be disabled by the user.
- it is difficult for the systems administrator to update the software, because he/she would have to update every system independently.
- it is expensive to deploy, as opposed to a single filter system. This is because multiple copies, or licenses, are required for all computers.

b. Would the stand-alone filter software be loaded only on the applicants' currently eligible server(s)?

Many applicants have applied for and received E-Rate funding for eligible servers, from which they run a host of eligible applications. These servers, like software, are highly restricted pursuant to the ESL. Moreover, hosting the filtering software on these systems may degrade the server system, and in some instances the server may not be able to support filtering software at all.

If the Commission were to adopt and allow the use of filtering software hosted on the applicant's current servers, the applicant may need to upgrade or replace their current server. This would result in a marked increase of server funding requests to the E-Rate program.

The current technology for filtering software is often an independent stand-alone system, which is dedicated for the exclusive purpose of content filtering. There are several companies that provide such systems; Barracuda Networks, Check Point, Cisco, and SonicWall, are examples.

If approved Filter Software should be a Priority 2 funded service.

Spectrum Communications supports the inclusion of independent stand-alone filtering software to the ESL. Further, that Filtering Software should be a Priority 2 funded service. Or at minimum, Priority 1 and 2 funded service(s).

C. Basic Telephone Service

The NPRM seeks comment regarding changing or re-classifying Priority 2 services to Priority 1 services, thereby restricting non-ETC

providers from bidding and being awarded what are commonly Internal Connections components.

The NPRM states;

"We seek comment on whether it is appropriate to expand the definition to classify certain Priority 2 services as "basic" telephone service, a Priority 1 service.[8] Accordingly, commenters should discuss how any changes to the definition of "basic" telephone service to include certain Priority 2 services affect the Commission's determination that facilities located on an applicant's premise are presumed to be Priority 2 internal connections.[9]"

Any change that broadens the scope of products and/or services that are eligible for Priority 1 funding by reducing the scope of products and/or services that are currently eligible for Priority 2 funding is not conducive to competitive bidding; it does not promote the longstanding position of the FCC as it relates to competition within the telecommunications industry, and as it relates specifically to the E-Rate program.

Moreover, such a change would limit the number of prospective bidders to only Eligible Telecommunications Carriers; as they are the only companies able to provide Priority 1 services.[10]

Further, the NPRM does not indicate whether such services would be removed from the Priority 2 ESL should they be included in the Priority 1 list.

Overlapping of services within Priority 1 and Priority 2 will pose problems for USAC in the administration of the program, as well as cause certain confusion for the applicants and service providers of E-Rate.

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[8] Schools and Libraries Third Report and Order, 18 FCC Rcd at 26937. para. 47; Petition for Waiver by Sprint Corporation, Federal-State Joint Board on Universal Service. Order, 22 FCC Red 5353, 5354, para. 3 (Wireline Comp. bur. 2007) (Sprint Petition Order); see also 47 C.F.R. 507(g)(i), (ii) (noting that telecommunications services, voice mail, and Internet access receive first priority for funding and the remaining funds go to internal connections).
Prior to December 1, 2003, USAC treated payments for leases of PBX and key systems as payments for part of end-to-end telecommunications service arraignments, i.e., Priority 1 services.

[9] See e.g., request for Review by the Department of Education of the State of Tennessee of the Decision of the Universal Service Administrator, Request for Review by Integrated Systems and Internet Solutions, Inc., Request for Review by Education Networks of America.

[10] *Id.*

Lastly, under the current ESL, many "basic" services do not require a technology plan[11]. Should certain products and/or services be moved from Priority 2 to Priority 1, they may require that applicants provide technology plans for such services [as perhaps they should currently]. However, many of these products and services interact with each other, and therefore, where the applicant is currently able to request certain services without the need for a technology plan, under such a change, the applicant and USAC, may be required to process substantially more paperwork for funding requests.

For these reasons, **Spectrum Communications does not support any changes to the definition of "basic" services, and/or expansion, or transfer of any Priority 2 services to Priority 1 services**.

D. Dark Fiber

1. Under it current rules, the Commission found that dark fiber is not eligible for discounts.[12] The NPRM seeks comment on several issues related to Dark Fiber. The NPRM asks:

a. Should dark fiber be included as an eligible service?
b. Should the service be supported under the Act as and "additional" service, rather than as a "telecommunications service"?
c. Should only telecommunications service providers or Internet access providers be eligible for E-Rate funding?
d. Should any limitations be adopted to preclude discounts on the full cost of dark fiber network build-out should the applicant not be utilizing the full capacity of that network?

The issue of Dark Fiber is a complex one, and requires in-depth guidance by the Commission to USAC as to the implementation and use of Dark Fiber.

Spectrum Communications supports the inclusion of Dark Fiber on the Eligible Services List ('ESL') as a Priority 2 Internal

[11] "The following telephone services are 'basic' for purposes of the schools and libraries program and do not require a technology plan" - Universal Service and Administrative Company, Eligible Services List Schools and Libraries Support Mechanism for Funding Year 2008.
[12] Schools and Libraries Third Report and Order, released 2003.

Connections funded request, with certain conditions, as discussed below.

Because Dark Fiber can be deployed in different logical and physical configurations, it is necessary to distinguish the different network environments where Dark Fiber may be deployed.

Dark Fiber is a term used to describe those fibers that have been installed, often in a single cable, that are not currently connected to a 'light source' and are not currently enabling transmission of packets. A service provider may install a single cable containing multiple fibers (6, 12, 24, etc.) for many reasons;

- future proofing – typically an applicant may immediately only require 2 fibers from point A to B, however, in order to plan for any future requirements the applicant may have additional fibers contained in the same cable pulled to the same location.
- costs – the cost difference between 2 fiber and 4 fiber is nominal as compared to the actual installation of the cable itself. In most cases, the cost of placement of the cable far exceeds the actual cost of the fiber. In this case, applicants will find a cost benefit in installing more fiber than is immediately necessary.
- broken fiber, maintenance – fiber cable is a physical medium and is susceptible to damage from weather, vermin, vandalism, etc. Accordingly, the service provider often designs fiber cable runs with additional fibers than necessary should any fibers be damaged or broken during the installation process.
- Industry standards – many of the industry standards require fiber designs to incorporate certain ratios of fiber when installing fiber.[13]

a. Dark Fiber – as implemented within a Local Area Network ('LAN'), and that is not crossing public access [right-of-way].

[13] Institute of Electrical and Electronics Engineers ('IEEE'), Electronic Industry Alliance & Telecommunications Industry Association ('EIA/TIA'), Building Industry Consulting Services International ('Bicsi')

This configuration is commonly used in an applicant's campus environment, connecting building to building, or equipment closet to equipment closet. These are often short runs of less than 1500 feet. As used in a LAN configuration, dark fibers are often installed to provide connectivity for future device connections.

The costs implication to the E-Rate program in allowing the addition of a fiber cable installation that contains some dark fiber within the LAN is not significant. Moreover, the cost to benefit ratio is considerable, and provides the applicant with the ability to 'future proof' their infrastructure. This will reduce future funding requests by the applicant, and provide increased savings for E-Rate funds.

Conversely, the installation of an entire fiber cable that is completely 'dark', or unused, should not receive E-Rate funding.

This application, or installation, of dark fiber is typically funded as Priority 2 (Internal Connections) funding.

b. Dark Fiber – as implemented within a Wide Area Network ("WAN") or Backbone, and is crossing the public access [right-of-way].

Because this configuration crosses the public access it is commonly implemented and installed by ETC's, and is, as required by FCC rules for Universal Service, a Priority 1 funded service.[14]

Dark fiber in a WAN configuration is typically used by ETC's to connect applicant's sites within a geographical area (e.g. 'site to site', 'city to city', etc.). Hence, these fiber cable runs are well over 1500 feet, and as stated cross the public right of way, or easement.

There is often a need by the applicant to have bandwidth that exceeds the capabilities of standard copper cable installations (e.g. T1, T3). In these cases the ETC's install fiber connections from the applicant's site and physically route the fiber cable to the ETC's local Central Office. These services are commonly referred to as DS3 or OCx services, and have the ability to transport high volumes of data, or packets, and are dedicated services.

While the necessity for the addition, or inclusion, of Dark Fiber are common between the LAN and WAN configurations, the cost

[14] 47 C.F.R. 54.507(g)(1)(i)

ratios, and hence benefits, are not. There may be little to no cost savings to the applicant in allowing the funding of Dark Fiber in the WAN.

In the LAN configuration as described, the applicant owns all of the fiber installed on its premises. In the WAN configuration as described, the ETC, not the applicant, owns the fiber installed. Albeit, current rules prohibit 'ownership interests by applicants'.

However, the likelihood exists that if Dark Fiber is allowed in the WAN, E-Rate funds will be used to subsidize the entire installation costs of the WAN by the ETC. Thereby benefiting the ETC for the life of the installed cable, at the potential determent of E-Rate funds and the applicant.

Because FCC rules restrict the funding of services that cross the public access to Priority 1 funding, only ETC's are able to bid, provide and install these types of services provided by the E-Rate program.[15] This severely limits an applicant's ability to seek competitive bids.

For these reasons, **Spectrum Communications supports the approval and subsequent funding of Dark Fiber in the LAN only**, and supports the inclusion of Dark Fiber as a Priority 2, Internal Connections funded request.

E. Other Services

1. *Text Messaging*.

The NPRM seeks comment on whether text messaging should be an eligible service.

Text messaging is often used via the cell phone. Many, if not all providers of cell phone services offer text messaging with their wireless services. The service of text messaging is sometimes offered as a 'bundle, or inclusive' to the monthly fee, or as an option for an additional price, or on a 'pay by text' cost.

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[15] 47 U.S.C. § 254(e); "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive . . . Federal universal service support." *See also*, 47 C.F.R. 54.500 and 54.518. *See also,* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report & Order*, 12 FCC Rcd 8776 (1997) (*Universal Service Order*); 47 C.F.R. Part 54. *See also,* 47 U.S.C. § 214(e)(1) "Eligible Telecommunications Carriers".

There are several issues to the core questions as to eligibility;

- does text messaging meet the mandate of educational objectives as described or intended by Section 254(h)?
- is this service to be funded as a Priority 1, Priority 2, or both funding?
- is text messaging synonymous with e-mail type services?
- will the inclusion of text messaging provide a cost benefit to the applicant?
- what is the potential for excessive cost burden on E-Rate funds?

With the unfortunate rise in school violence and crime, many schools and school districts are using text messaging to alert children, parents, teachers, administrators and others of potential threats, as well as provide other types of information. Clearly, there are benefits achieved with text messaging. But does it meet the educational requirements of Section 254(h)?

In reviewing the history of E-Rate, it is clear that the intent was to provide "advanced telecommunications and information services in order to promote educational and curricula objectives".[16]

Currently, all applicants of E-Rate are required to provide evidence of the educational purpose to its funding request. Does text messaging promote the educational objective? How would text messaging be monitored to ensure its proper use?

While this service is chiefly classified as a telecommunications service, there are other non-ETC providers who are able to provide text-messaging services. Will text messaging be a Priority 1 or Priority 2 funded service?

Some wireless providers are able to integrate e-mail services with their wireless connections, so that receiving an e-mail could be achieved from the wireless device, namely the cell phone. In addition, some e-mail services are ineligible, as are ineligible users. How will ineligible services, or ineligible use, be removed from text-messaging features?

[16] In the matter of Federal-State Joint Board on the Universal Service, CC Docket No. 96-46; 'Further Comments of the National Telecommunication and Information Administration'.

There may be some cost benefit to the applicant. This however is conditioned on the primary use of the text-messaging feature. Obviously, there are no costs benefit considerations if the service itself is ineligible.

An example of ineligible use is a person who receives non-educational, or personal text messages on their E-Rate funded device.

Presumably the cost of text messaging is not often a large cost. However, the cost of text-message services often depend on; the wireless plan, the type of wireless equipment, and the frequency of the text messaging.

Spectrum Communications supports the inclusion of text messaging as a component of E-Rate. However, applying for funds may be difficult; how is the funding discount percentage calculated? Moreover, this will result in an additional burden to USAC, and potentially impede the application process.

Lastly, there is a potential for abuse, hence determining who is receiving the benefit of text messaging, and if the service is being utilized for educational purposes may be almost impossible to ascertain.

2. *Firewall.*

The NPRM seeks comment on whether separately priced firewall services should be eligible for E-Rate funding. The NPRM also asks the commenter to provide a proposed definition and explain why such definition is appropriate.

Currently, basic firewall services provided as a standard component by Internet Access providers are eligible.

Today, there are several manufactures of Firewall products, both hardware and software. It is important to note that substantial loss can occur on any network and subsequent computer system that is connected to the Internet without the benefit of a Firewall. There are, however, some complexities in making Firewalls eligible for E-Rate funding.

There are 2 types of common Firewall protections, software and hardware. Software Firewalls are often bundled with an Operating System. Microsoft Windows Operating Systems come with an integrated Firewall feature. Additionally, there are software vendors who sell Firewall software to be loaded on each local machine (e.g. ZoneAlarm, Norton,

McAfee, etc.). This type of Firewall protection is not well suited for E-Rate applicants who may have hundreds if not thousands of computers connected to the network.

Hardware Firewalls are best suited for the typical E-Rate applicant. A Hardware Firewall is a dedicated appliance that often 'sits' between the applicant's Internet router and the network. Many of these Firewalls provide at least 3 layers of protection; Network layer, Packet layer, and Application layer.

In most configurations, and depending on the size of the overall network, there will only need to be 1 hardware Firewall installed for each E-Rate applicant, because most school sites connect to their district office. It is at the district office where the main connection to the Internet is located, and hence the hardware Firewall would be placed.

There is however the ability for the Firewall devices to provide services that are currently not E-Rate eligible; these are, proxy services, network address translation ('NAT), and Anti-spam, Anti-virus software. However, these are also functions that are organic to the nature of a Firewall, and therefore inclusive of the operation of the Firewall itself. These additional features do not typically add any noticeable costs to the Firewall's overall or total price.

Spectrum Communications supports the inclusion of Firewall devices to the ESL as an eligible E-Rate service. Below, as requested by the NPRM, is a proposed definition for Firewall, as it should appear in the ESL.

Firewall Hardware Firewalls are eligible for E-Rate Priority 2 Internal Connections funding.

Hardware Firewall is defined as a dedicated appliance, inclusive of its operating system and software, that inspects network traffic passing through it, and denies or permits passage based on a predefined set of rules. A Firewall's basic task is to regulate the flow of traffic between computer networks (also to include the Internet) of different trust levels.

3. *Anti-Virus/Anti-Spam Software*.

The NPRM seeks comment on whether anti-virus and/or anti-spam software should be eligible for E-Rate funding.

Anti-Virus/Anti-Spam Software is a software application that is commonly installed and configured on each local computer, in order to provide virus protection for the user of each computer thereby restricting, or limiting, the introduction of viruses on to other computers connected via the Network.

While viruses and spam are indeed prevalent on the Internet, viruses often begin with the 'infection' of 1 computer and spread via the Network to which it is connected. Therefore, to be effective, each computer connected to the network would be required to have such software.

There are several anti-virus and anti-spam companies that provide software which is 'hosted' on a single server, but the server then only acts to distribute the anti-virus and anti-spam software to each local machine.

E-Rate rules restrict E-Rate funding of the placement of software on the local machine. The FCC has presumably made this decision realizing the potential for excess cost burden to the E-Rate funds. And that the inclusion of such software would be difficult to ensure compliance to E-Rate rules.

By its very nature, this software needs to be updated constantly. It would be extremely difficult to determine how often E-Rate funds should be used to update or upgrade the anti-virus and/or anti-spam software, should such software become eligible for E- Rate funding.

However, as explained on page 10, section 2 - 'Firewall' of this comment, there are Firewall appliances that are able to provide anti-virus and anti-software protection for the entire network. Therefore, the inclusion of Firewall devices to the ESL will eliminate the need to have anti-virus and anti- spam software added. Additionally, the cost of anti-virus and anti-spam software is unnecessarily prohibitive, and can be best deployed using the Firewall device in the Network.

Spectrum Communications does not support the addition of Anti- Virus or Anti-Spam Software to the ESL.

4. *Scheduling Services*.

The NPRM seeks comment on whether to allow Scheduling Services to be eligible for E-Rate support. The NPRM goes on to state that '*Scheduling software allows schools and libraries more effectively to use teleconferencing for distance learning…*'

There is confusion as to if the NPRM seeks comment on Scheduling services or Scheduling software.

Spectrum Communications is not in support of either Scheduling services or software as eligible for E-Rate support. The matter of scheduling service or software is one that is too subjective to provide proper definition and guidance. How would this application be monitored to ensure E-Rate program compliance? Where would this software reside, on the server or the local machine? How much services or software would be necessary in order to more effectively use teleconferencing?

5. *Telephone Broadcast Messaging*.

The NPRM seeks comment on whether Telephone Broadcast Messaging should be eligible for E-Rate support.

Spectrum Communications supports the inclusion of Telephone Broadcast Messaging on the ESL for E-Rate support, with the following caveat.

- Telephone Broadcast Messaging should be a Priority 1 and Priority 2 funded service request. Thereby allowing both ETC's and non-ETC's the opportunity to provide this service.

6. *Wireless Internet Access Applications*.

The NPRM seeks comment on whether certain wireless Internet access applications should be eligible for E-Rate support.

The NPRM uses the example of the FCC's decision to allow a bus driver's use of wireless telecommunications services while delivering

students to and from school because it is considered an educational purpose.[17]

While we agree that there are circumstances that might require the use of Wireless Internet Access Applications, and their subsequent eligibility to receive E-Rate funds, it is conceivable that these applications may be used in an ineligible manner, and that monitoring compliance with E-Rate and FCC rules will be burdensome for the program administrator, USAC.

The Commission has previously determined that, *'to qualify as an educational purpose under the E-Rate program, an activity must be integral, immediate, and proximate to the students....'*[18]

Spectrum Communications does not support the inclusion of Wireless Internet Access Applications on the ESL.

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[17] Schools and Libraries Second Report and Order, 18 FCC Rcd at 9209, fn.28. Other examples included a library staff person's use of wireless telecommunications service on library's mobile library unit van, and the use by teachers or other school staff of wireless telecommunications services while accompanying students on a field trip or sporting event.
[18] 47 C.F.R. 54.500(b); *Schools and Libraries Second Report and Order*, 18 FCC Red at 0208-09, 9211, paras. 17-21, 26